

DRPF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Leonard Robert Speiser et al.

Title: PRODUCT RECOMMENDATION IN A NETWORK-BASED COMMERCE SYSTEM

Docket No.: 2043.093US1

Filed: September 18, 2003

Examiner: Gerald J. O'Connor

Serial No.: 10/666,681

Due Date: February 19, 2007

Group Art Unit: 3627



MS Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

Response to Notice of Non-Compliant Appeal Brief (5 pgs.).
 Return postcard.

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

Customer Number 49845

By: Andre L. Marais
Atty: Andre L. Marais
Reg. No. 48,095

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 5 day of February, 2007.

Peter Roberton

Name

Peter J. Pelt

Signature



S/N 10/666,681

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Leonard Robert Speiser et al. Examiner: Gerald O'Connor
Serial No.: 10/666,681 Group Art Unit: 3627
Filed: September 18, 2003 Docket: 2043.093US1
Title: PRODUCT RECOMMENDATION IN A NETWORK-BASED COMMERCE
SYSTEM

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This responds to the Notice of Non-Compliant Appeal Brief mailed on January 19, 2007. In compliance with MPEP 1205.03(B) and 37 CFR 41.37(c)(1)(v), Appellants submit the following corrected sections from Appellants' previously-submitted Appeal Brief filed October 18, 2006.

Please replace the previously submitted Status of the Claims Section 3 with the below replacement.

3. STATUS OF THE CLAIMS

Claims 1-14 and 23-34 were withdrawn in response to a Restriction Requirement mailed June 21, 2005. Claims 15-22 are currently pending in this patent application. A Final Office Action was mailed on April 18, 2006. Claims 15-22 stand finally rejected, and their rejection is the subject of the appeal of this matter.

Please replace the previously-submitted Summary of Claimed Subject Matter Section 5 with the below replacement.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Independent method claim 15 relates to providing listing recommendations to users of a network-based commerce system (*see, e.g.*, Application at p. 6, lines 2-3). In an embodiment, a plurality of listings is arranged in a plurality of divisions (*see, e.g.*, Application at p. 11, lines 9-12; p. 13, lines 4-11). The method identifies a division based on user interaction (*see, e.g.*, Application at p. 13, lines 4-11), identifies at least one frequently used search term associated with the identified division (*see, e.g.*, Application at p. 13, lines 7-8), and provides a link to the user to listings associated with the search term (*see, e.g.*, Application at p. 13, lines 11-17; FIGS. 12A and 12B).

Please replace the previously-submitted Grounds of Rejection to be Reviewed on Appeal Section 6 with the below replacement.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- 1) Claims 15-22 are rejected under 35 U.S.C. § 102(a) as being anticipated by Spiegel et al. (U.S. Patent No. 6,466,918).

REMARKS

Appellants have reviewed the Response to the Final Office Action, mailed on June 19, 2006. Appellants have failed to find any amendments to the claims in the Response. Although the Advisory Action of July 3, 2006 indicates that amendments will be entered for the purposes of appeal (see § 7), Appellants submit that there were no such amendments. As such, Appellants respectfully request clarification of the objection as indicated in § 3 of the Notice of Non-Compliant Appeal Brief of January 19, 2007.

CONCLUSION

In accordance with MPEP 1205.03(B) and 37 CFR 41.37(c)(1)(v), only the non-compliant sections of Appellants' previously-submitted Appeal Brief have been included in this response.

Appellants respectfully submit that the Examiner withdraw the non-compliant status and examine the Appeal Brief.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

LEONARD ROBERT SPEISER ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
408-278-4042

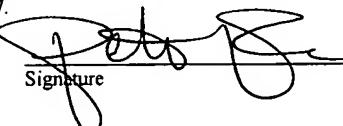
Date 02/02/07

By /


Andre L. Marais
Reg. No. 48,095

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 5 day of February 2007.


Name _____


Signature _____